

TEICH, GROH  
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Trenton, New Jersey 08619  
Phone: (609) 890-1500  
Attorneys for Joseph Kohen  
BARRY W. FROST, ESQUIRE

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

In the Matter of:

Chapter 11

Solomon Dwek,

Case No. 07-11757-KCF

Debtor(s).

CERTIFICATION IN OPPOSITION TO THE TRUSTEE'S SALE OF REAL  
PROPERTY KNOWN AS 45 MONMOUTH ROAD, OCEAN TOWNSHIP, NEW  
JERSEY

Returnable: November 8, 2010 at 11:00am

I, Joseph Kohen, of full age, hereby certify as follows:

1. I am the owner of Monmouth Road Brokers, LLC, which is the entity that owns 45 Monmouth Road, Ocean Township, New Jersey.

2. I obtained my ownership interest for the LLC by purchasing it from Solomon Dwek and paying off the existing mortgage on the property.

3. As I have previously produced in the adversary proceeding, which was commenced by the Trustee that I am the owner of the LLC and that Solomon Dwek has acknowledged in writing that ownership interest. Attached as 'Exhibit A' is a copy of the letter from Solomon Dwek confirming that transaction.

4. I also attach as "Exhibit B" the letter received from Jerome Shapiro, Esquire confirming my payment of the purchase price for this property.

5. I have always asserted, and the attorney for the Trustee is well aware, that the Chapter 11 filed by Solomon Dwek of Monmouth Road Brokers, LLC, was an improper filing as he was not the member of the LLC at the time he signed the petition.

6. As a result of the alleged factual disputes that Solomon Dwek is still the sole

member of Monmouth Road Brokers, LLC and a trial has been scheduled for November 1, 2008 on that issue.

7. The most recent trial was adjourned at the request of the Trustee because of Mr. Dwek's unavailability. While I acknowledge that I requested some other adjournments of the trial date because of the treatments I was undergoing for Hodgkin's Disease, the most recent adjournment was at the request of the Chapter 11 Trustee.

8. It is curious that we have been litigating with the Chapter 11 Trustee as to the ownership of this property for some two years and now that we are on the eve of a trial date, they all of a sudden find a purchaser for the property.

9. The notice which was filed with this Court does not disclose who are the owners of the purchaser or their relationship with the Trustee.

10. Other than a short period of time when the Trustee broke into the building, I do not know of any other party who came into the building, and unless the Trustee allowed someone to enter the building without my knowledge or consent, I do not know that the buyer has even looked at the inside of the building.

11. Perhaps the real reason the Trustee broke into the building and broke the locks that were on the building, notwithstanding the fact that I had sole control and use of the building since the filing of the Chapter 11 and the filing of the adversary proceeding, is to show the building to the perspective purchaser although this was never disclosed.

12. There is no reason why the Trustee is seeking to sell the building in November 2010 after having been in a dispute with me for some two years.

13. Based upon the documents that I am attaching to this objection, I do not believe that there is any bona fide dispute as to the ownership of Monmouth Road Brokers, LLC and I am the sole owner of that entity and will be able to prove that at the trial now scheduled for November 1<sup>st</sup>.

14. As a result, I do not wish the property to be sold, as I use the property and

intend to use the property, and have no ability to locate anywhere else if the Trustee sells the property out from under me.

15. Prior to my illness, I used the building as an office and it is my intention to go back into business now that I have completed my chemotherapy treatments.

16. I, therefore, respectfully request that the Court deny the Motion by the Chapter 11 Trustee to sell the building, which is owned by Monmouth Road Brokers, LLC.

I hereby certify that the foregoing statements made by me are true and to the best of my knowledge. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: 10/19/10

  
Joseph Kohen

## Solomon Dwek

200 Wall Street  
P.O. Box 98  
West Long Branch, New Jersey 07764  
(732) 531-4471  
Fax (732) 531-4656

November 7, 2005

Via Regular Mail

Addeo & Associates, PA  
Attn: Art Addeo, CPA  
1 Industrial Way West  
West Ridge Complex - Bldg. E  
Eatontown, NJ 07724

Re: Monmouth Road Brokers, LLC to Joey Kohen  
45 Monmouth Road, Ocean, New Jersey  
Block 8, Lot 80

Dear Art:

In regard to the above matter, please be advised that on October 27, 2005 I sold this entity known as Monmouth Road Brokers, LLC to Joey Kohen who owns this property. The total sales price is \$525,000., and Joey paid off my first and only mortgage with Amboy National Bank in the amount of \$291,228.53, and owes me the total sum of \$233,771.47 that is due and payable on December 15, 2005.

By copy of this letter to Eric at Capital Property Management I am advising him of the sale and to make sure the utilities are cut off and all future tax and other bills are forwarded to Joey Kohen, and also the insurance should be cut off as of that date.

Sincerely yours,



Solomon Dwek

SD/ga

Enclosure

cc: Capital Property Management, Attn: Eric Phillips, Via Hand Deliver



*Jerome Shapiro*  
*Attorney at Law*

23 Ridge Road  
West Long Branch, NJ 07764  
732-229-3334  
732-229-3931 fax

October 3, 2007

To Whom It May Concern:

This letter together with a copy of an outgoing wire will serve to evidence that on January 17, 2006 I wired the sum of \$345,485.50 to SEM Realty Associates, charging Solomon Dwek with only \$82,557.41 of the said wire, and debiting Oxford Mortgage, Inc (a/k/a Joseph S. Kohen) with \$262,928.09 of the said \$345,485.50 wire remitted to SEM Realty Assoc.

In effect, Oxford Mortgage (Joseph S. Kohen) paid SEM Realty the sum of \$262,928.09 by this action, which was done at the direction of Joseph S. Kohen. The purpose & intent of the above transaction was to satisfy the remainder of the purchase price for the entity known as Monmouth Road Brokers, LLC, the owner of the office building No. 45 Monmouth Road, Oakhurst, N.J. I believe the balance of 29,156.62 was a loan to Dwek

Very truly yours,

*Jerome Shapiro*

JEROME SHAPIRO

